

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

CHARLES BRACCIODIETA
Petitioner,

v.

Case No. 15-C-0155

WILLIAM POLLARD, Warden,
Waupun Correctional Institution
Respondent.

ORDER TO SHOW CAUSE

On February 6, 2015, this court received a petition for a writ of habeas corpus under 28 U.S.C. § 2241 from Charles Bracciodieta. The petition indicates that Bracciodieta is serving a federal sentence in a Wisconsin state prison, Waupun Correctional Institution. As grounds for relief, Bracciodieta alleges that the Federal Bureau of Prisons has unlawfully denied him the ability to apply for placement in an extended halfway house.

Section 2243 of Title 28 of the United States Code states as follows:

A court, justice or judge entertaining an application for a writ of habeas corpus shall forthwith award the writ or issue an order directing the respondent to show cause why the writ should not be granted, unless it appears from the application that the applicant or person detained is not entitled thereto.

It does not appear to me, from the face of Bracciodieta's petition, that he is not entitled to relief under § 2241. Therefore, I will order the respondent to show cause why the writ should not be granted.

Under § 2243, a response to an order to show cause is due within three days. However, pursuant to Rule 1(b) of the Rules Governing Section 2254 Cases, a court is authorized to apply the § 2254 rules to any habeas corpus petition, and under Rule 4 of

those rules, a court has wide discretion in setting the deadline for filing a response to a petition. See Bleitner v. Welborn, 15 F.3d 652, 653–54 (7th Cir. 1994); Hudson v. Helman, 948 F. Supp. 810, 811 (C.D. Ill. 1994). I conclude that thirty days is a reasonable period of time for preparing a response to this order and will require the respondent to file his response within that time.

Accordingly, **IT IS ORDERED** that, within thirty days of service of this order, respondent William Pollard shall show cause why the petition for a writ of habeas corpus should not be granted.

IT IS FURTHER ORDERED that the Clerk of Court serve a copy of this order along with the petition and all exhibits on the respondent.

Dated at Milwaukee, Wisconsin, this 20th day of February, 2015.

s/ Lynn Adelman

LYNN ADELMAN
District Judge